



## **MARICOPA COUNTY JUSTICE COURT**

**If you want to file an...**

# **APPLICATION FOR ENTRY OF DEFAULT**



## MARICOPA COUNTY JUSTICE COURT

If the opposing party (or parties) in your case does not answer the claim or counterclaim (if applicable) within the time allowed, you may apply for default. If they fail to answer within **TEN work days** of the filing of the application, the default will take effect and a default judgment may be entered against them.

### Please STOP...



If there has been an answer or a reply to a counterclaim filed within the allowed time.

### Please PROCEED...



If you are filing the application after the allowed time has passed for filing an answer or a reply to a counterclaim.

### FORMS Needed:

✓	Application for Entry of Default
✓	Instructions for Obtaining a Default Judgment

### INSTRUCTIONS:

- 1) Review instructions sheet and then complete the Application for Entry of Default. Make copies; you will need the original form for the court, a copy for yourself, a copy for each party and a copy for their attorney (if applicable).
- 2) File the completed original form with the court clerk.
- 3) The same day as filing with the court, mail copies to the other parties and their attorney (if applicable)

\_\_\_\_\_  
Plaintiff or Attorney for Plaintiff

\_\_\_\_\_  
Address

## Maricopa County Justice Courts, State of Arizona

\_\_\_\_\_  
CASE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s) Name / Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s) Name / Address

### APPLICATION FOR ENTRY OF DEFAULT

#### NOTICE IS GIVEN TO

Defendant(s): \_\_\_\_\_ ☐ Whereabouts unknown  
Defendant(s) counsel: \_\_\_\_\_ ☐ Identity unknown

At the last known address indicated herein.

**If you do not answer or file a responsive pleading with this court within ten (10) working days of the filing of this application, default will be effective and a default judgment will be entered against you.**

1. The above named defendant(s) has failed to plead or otherwise defend in this action within the time allowed by law.
2. No defendant(s) named herein is engaged in active military service.
3. This application is made for the purpose of entering default against the defendant(s).

Date: \_\_\_\_\_  
Plaintiff

### MOTION and AFFIDAVIT FOR JUDGMENT BY DEFAULT

Plaintiff moves for judgment against the defendant(s) named above, because the named defendant(s) has failed to plead or otherwise defend in this action within the time allowed by law.

I incorporate the application for entry of default made herein. An affidavit is made a part of this motion.

1. I am the plaintiff in this action.
2. No defendant(s) named herein is engaged in active military service.
3. The following amount is due and owing on plaintiff's claim as of this date.

All just set-offs, payments and credits

have been allowed: \$ \_\_\_\_\_

Attorney fees: \$ \_\_\_\_\_

Costs: \$ \_\_\_\_\_

**TOTAL: \$ \_\_\_\_\_**

4. ☐ The claim is for a sum certain (an amount that can be substantiated by clear computation).
5. ☐ I am attaching documentation evidencing that the defendant owes what is claimed.
6. ☐ There are no exhibits.

I state under penalty of perjury that the foregoing is true and correct.

Date: \_\_\_\_\_  
Plaintiff

**I CERTIFY** that I mailed a copy of this APPLICATION FOR ENTRY OF DEFAULT to:

☐ Plaintiff or ☐ Plaintiff's attorney

☐ Defendant or ☐ Defendant's attorney

Date: \_\_\_\_\_ By: \_\_\_\_\_

## INSTRUCTIONS FOR OBTAINING A DEFAULT JUDGMENT

1. If you have served the defendant and 20 days\* has passed since the date of service and the defendant has not filed an answer to your complaint, you may file an application for entry of default with the court.
2. If you have brought your complaint against multiple parties, the default applies only to those defendants who have been served and have not answered within the time allowed.
3. Complete and file an application for entry of default. The form can be obtained from the court.
4. Mail a copy of the application (by regular U.S. mail) to the defendant and to the defendant's attorney (if any). This gives the defendant notice that you have applied for entry of default. The defendant is allowed ten more days within which to file an answer or other responsive pleading.
5. After ten days, the default takes effect.
6. If the defendant files an answer within that ten day period, default will not take effect.

A hearing date will be set in a small claims matter.

Disclosure will be due within 40 days in a civil matter.

7. If the defendant fails to file an answer, default will take effect. Your motion and affidavit will be given to the Judge for review and consideration. The court will expect you to be able to substantiate your claim.
8. The Judge will either enter judgment or set the matter for a default hearing to determine damages. A hearing may not be necessary if the claim can be substantiated and computed by documentation evidencing that the defendant owes what is claimed.
9. If you have documentation as evidence of the amount claimed, attach it to the Application and file it with the court.
10. In all other cases, if it is necessary for the court to determine damages by testimony or by other evidence, the court shall set the matter for a default hearing.
11. If service of the summons and complaint was accomplished by publication, you will be required to provide a court reporter to be present for a default hearing.
12. A copy of any judgment entered will be mailed to both parties by the court.

Refer to Arizona Rules of Civil Procedure, Default, Application and entry Rule 55(a), and Judgment by Default, Rule 55(b).

\* Different timelines may apply to a signed waiver of service and/or out-of-state service. Refer to Arizona Rules of Civil Procedure, Rules 4.1 and 4.2.